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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,173	03/05/2001	Pieter Sierd Van Der Meulen	US 018025	8690

7590

05/28/2004

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,173

Applicant(s)

VAN DER MEULEN ET AL.

Examiner

Aaron Perez-Daple

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application filed 3/5/01, which has been fully considered.
2. Claims 1-21 are presented for examination.
3. This Action is non-Final.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 13-18** are rejected under 35 U.S.C. 101 because claimed invention is directed to non-statutory subject matter. Claims 13-18 are directed towards a computer program. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process nor an apparatus. A program, without the computer-readable medium needed to realize the program's functionality, is non-statutory functional descriptive material. See MPEP § 2106.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claim 18** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is not possible for a computer program to be a

server. For the purpose of applying prior art, the Examiner interprets that the computer program either resides on a server or retrieves data from a server.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. **Claims 1-3 and 5-21** are rejected under 35 U.S.C. 102(a) as being anticipated by Earl et al. (US 6,041,324) (hereinafter Earl).

10. As for claims 1 and 13, Earl discloses a method of checking a validity of a first path indicating a first resource in a network, the method comprising:

providing the first path to a server to retrieve the first resource from the network (step 300, Fig. 9; col. 2, lines 25-46, "In accordance with...the input is invalid."; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318.");

receiving a first response from the server (step 300, Fig. 9; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318.");

from the first response, determining the validity of the first path (step 300, Fig. 9; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318."); and
if the first path is invalid,

(i) generating a second path from the first path, the second path being a sub-path of the first path (step 302, Fig. 9; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318.").

11. As for claims 2 and 14, Earl discloses the method of claim 1 further comprising:

(ii) providing the second path to the server to retrieve from the network a second resource indicated by the second path (step 310, Fig. 9; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318.");

(iii) receiving a second response from the server (steps 310 and 312, Fig. 9; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318.");

(iv) from the second response, determining a validity of the second path (steps 310 and 312, Fig. 9; col. 9, lines 39-63, "Referring, now to Fig. 9...provided at step 318."); and, if the second path is valid,

associating the second path with a user interface element associated with the first path (step 318, Fig. 9; col. 9, lines 11-25, "Fig. 8 is an...for any reason.").

12. As for claims 3 and 15, Earl discloses the method of claim 2 further comprising:

if the second path is invalid,

repeating steps (i) and (iv) to determine a validity of at least a sub-path of the second path until a specific sub-path of the second path is valid (loop steps 302, 304 and 310, Fig. 9); and,

associating the specific sub-path with the user interface element (step 318, Fig. 9; col. 9, lines 11-25, "Fig. 8 is an...for any reason.").

Art Unit: 2121

13. As for claim 5, Earl discloses the method of claim 1, wherein the first path is associated with a link in a Web page (col. 8, lines 34-50, "Referring again to...the URL is valid.").
14. As for claim 6, Earl discloses the method of claim 1, wherein the first path comprises a series of hierarchical locations in the network and the second path is obtained by removing at least a lower hierarchical location from the first path (col. 2, lines 25-46, "In accordance with...the input is invalid."; Figs. 7-9).
15. As for claim 7, Earl discloses the method of claim 2, further comprising:
replacing the first path associated with the user interface element by the second path (Fig. 8; col. 9, lines 11-25, "Fig. 8 is an...for any reason.").
16. As for claim 8, Earl discloses the method of claim 1, further comprising:
causing a sound effect to represent a validity level of the first path (col. 8, lines 51-65, "Where the validity...of the invention.").
17. As for claims 9 and 16, Earl discloses the method of claim 1, further comprising:
causing a display of a visual effect to represent a validity level of the first path (col. 8, lines 51-65, "Where the validity...of the invention."; col. 9, lines 11-25, "Fig. 8 is an...for any reason."; Fig. 8).
18. As for claim 10, Earl discloses the method of claim 9, further comprising:
displaying a user interface element associated with the first path at a location on a display based on the validity level of the first path (col. 8, lines 51-65, "Where the validity...of the invention."; col. 9, lines 11-25, "Fig. 8 is an...for any reason."; Fig. 8).
19. As for claim 11, Earl discloses the method of claim 9, further comprising:

Art Unit: 2121

modifying a graphical representation of a user interface element, associated with the first path, on the basis of the validity level of the first path (col. 8, lines 51-65, "Where the validity...of the invention."; col. 9, lines 11-25, "Fig. 8 is an...for any reason."; Fig. 8).

20. As for claim 12, Earl discloses the method of claim 1, wherein the first path is a uniform resource identifier (Figs. 7-9).

21. As for claim 17, Earl discloses the computer program of claim 13, wherein the computer program is a browser (col. 8, lines 34-50, "Referring again to...the URL is valid.").

22. As for claim 18, Earl discloses the computer program of claim 13, wherein the computer program is a server (col. 8, lines 34-50, "Referring again to...the URL is valid.").

23. As for claim 19, Earl discloses a device comprising:

storage means for storing a first path indicating a first resource in a network (col. 3, lines 1-13, "A URL is...the available URLs.");

validity checking means for checking a validity of the first path (col. 2, lines 25-46, "In accordance with...the input is invalid."; step 200, Fig. 7; step 300, Fig. 9),

the validity checking means being configured to provide the first path to a server to retrieve the first resource from the network, to receive a first response from the server and to determine the validity of the first path from the first response (col. 8, lines 34-65, "Referring again...of the invention."; Figs. 7 and 9); and
if the first path is invalid,

the validity checking means is configured to generate a second path from the first path, the second path being a sub-path of the first path (col. 8, lines 34-65, "Referring again...of the invention."; Figs. 7 and 9;).

Art Unit: 2121

24. As for claim 20, Earl discloses the device of claim 19, wherein
- the validity checking means is configured to provide the second path to the server to retrieve from the network a second resource indicated by the second path, to receive a second response from the server and to determine a validity of the second path from the second response (col. 8, lines 34-65, "Referring again...of the invention."; Figs. 7 and 9); and if the second path is valid,
- the validity checking means is configured to associate the second path with a user interface element associated with the first path (col. 8, lines 51-65, "Where the validity...of the invention."; Fig. 8).
25. As for claim 21, Earl discloses the device of claim 19, further comprising
- displaying means for displaying a graphical user interface comprising the user interface element (col. 8, lines 51-65, "Where the validity...of the invention.");
- and wherein the validity checking means is configured to cause a visual effect on the graphical user interface to represent a validity level of the first path (col. 8, lines 51-65, "Where the validity...of the invention.").

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2121

27. **Claim 4** is rejected under 35 U.S.C. 103(a) as being obvious over Earl in view of Applicant's admitted prior art (Background Art, pg. 1, line 16 - pg. 2, line 28) (hereinafter AAPA). Although Earl discloses using a memory means to store URL's (col. 3, lines 1-13, "A URL is used... the available URL's."), which would arguably anticipate a bookmark, Earl does not *explicitly* disclose having a first path associated with a bookmark in a web browser. AAPA teaches that it is well-known to associate a URL with a bookmark in a web browser for the purpose of easy reference (pg. 1, lines 16-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Earl by associating a first path with a bookmark because this would allow for easy reference of the URL's, as taught by AAPA above.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,510,416 B1, note abstract; US 6,338,082 B1, note abstract; US 5,895,471, note update of hyperlink directory; US 5,813,007, note automatic update of bookmarks.
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Perez-Daple whose telephone number is 703-305-4897. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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